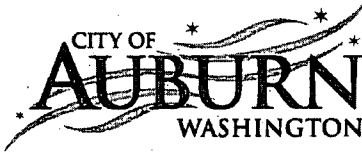


AGENDA BILL APPROVAL FORM

Agenda Subject: Ordinance No. 6308		Date: May 11, 2010
Department: Planning & Development	Attachments: Ordinance No. 6308	Budget Impact: Determined at time of future development
Administrative Recommendation: City Council introduce and adopt Ordinance No. 6308.		
Background Summary: <p>Ordinance No. 6308 would amend Section 19.04.070 (Exemptions) of the Auburn City Code to authorize the continued exemption until June 30, 2012 for the imposition and collection of traffic impact fees within the 'Downtown Catalyst Area'. Section 19.04.020 (FF) of the Auburn City Code defines the boundary of the Area as: (1) the boundary of West Main Street/East Main Street to the north, "A" Street SE to the east, 2nd Street SE/2nd Street SW to the south, and "A" Street SW to the west; and (2) the boundary of East Main Street to the south, Auburn Avenue to the east, 1st Street NE to the north, and North Division Street to the west.</p> <p>The City Council approved Ordinance No. 5506 on April 2, 2001 establishing a traffic impact fee ordinance system for the City. On May 21, 2001, the City Council adopted the Downtown Plan that included policies and implementation strategies intended to foster, enhance and promote the livability and economic vitality of the Auburn Downtown Business District. Policy 6-2 of the Auburn Downtown Plan specified that if the City adopted a traffic impact fee system, consideration should be given to waiving the fee within the downtown with the intent that the waiver sunset after a five year period unless the Council elected to extend it. RCW 82.02.060 (2) states that local ordinances by which impact fees are imposed may provide an exemption for development activities with broad public purposes provided that the impact fees from such development activity are paid from public funds other than impact fee accounts</p> <p>On May 7, 2007, the City Council approved Ordinance No. 6089 establishing Section 19.04.070 (A.9) of the Auburn City Code creating a 'Downtown Catalyst Area' exemption for the imposition and collection of traffic impact fees within this Area. A provision to this exemption was that it would sunset on June 30, 2008, unless otherwise extended by the City Council. On May 19, 2008, the City Council approved Ordinance No. 6178 extending the traffic impact fee exemption sunset date for the 'Downtown Catalyst Area' an additional two years to June 30, 2010.</p> <p>The City Council's previous approvals of the traffic impact fee exemption for the 'Downtown Catalyst Area' was based on its determination that that promoting economic development in this Area is beneficial to the City and serves a broad public purpose. Staff recommends that a similar determination is warranted to help promote continued redevelopment in the Area.</p>		
Reviewed by Council & Committees: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> Arts Commission <input type="checkbox"/> Airport <input type="checkbox"/> Hearing Examiner <input type="checkbox"/> Human Services <input type="checkbox"/> Park Board <input type="checkbox"/> Planning Comm. </div> <div style="width: 45%;"> COUNCIL COMMITTEES: <input checked="" type="checkbox"/> Finance <input type="checkbox"/> Municipal Services <input checked="" type="checkbox"/> Planning & CD <input type="checkbox"/> Public Works <input type="checkbox"/> Other _____ </div> </div>		Reviewed by Departments & Divisions: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> Building <input type="checkbox"/> Cemetery <input type="checkbox"/> Finance <input type="checkbox"/> Fire <input checked="" type="checkbox"/> Legal <input type="checkbox"/> Public Works </div> <div style="width: 45%;"> <input type="checkbox"/> M&O <input type="checkbox"/> Mayor <input type="checkbox"/> Parks <input checked="" type="checkbox"/> Planning <input type="checkbox"/> Police <input type="checkbox"/> Human Resources </div> </div>
Action: Committee Approval: <input type="checkbox"/> Yes <input type="checkbox"/> No Council Approval: <input type="checkbox"/> Yes <input type="checkbox"/> No Referred to _____ Until ____/____/____ Tabled _____ Until ____/____/____ <div style="text-align: right;">Call for Public Hearing ____/____/____</div>		
Councilmember: Norman		Staff: Snyder
Meeting Date: May 17, 2010		Item Number: Item VIII.A.3



AGENDA BILL APPROVAL FORM

At its regular meeting on May 10, 2010, the Planning and Community Development Committee unanimously recommended to the Auburn City Council the introduction and adoption of Ordinance No. 6308 at the City Council's regular meeting on May 17, 2010. The Finance Committee reviewed and discussed Ordinance No. 6308 at its regular meeting on May 17, 2010.

F4.3, O3.4.1.1

ORDINANCE NO. 6 3 0 8

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF AUBURN, WASHINGTON, AMENDING SECTION
19.04.070 OF THE AUBURN CITY CODE, RELATING TO
TRANSPORTATION IMPACT FEE EXEMPTIONS**

WHEREAS, the City of Auburn is authorized by Chapter 82.02 of the Revised Code of Washington (RCW) to require new growth and development within the City to pay a proportionate share of the cost of new facilities to serve such new growth and development through the assessment of impact fees; and

WHEREAS, on April 2, 2001, the City Council of the City of Auburn, Washington, approved its Ordinance No. 5506 entitled, "The City of Auburn Transportation Impact Fee Ordinance"; and

WHEREAS, Ordinance No. 5506 established a transportation impact fee system for the City; and

WHEREAS, on May 21, 2001, the City Council adopted its Ordinance No. 5549 approving a new Downtown Plan that includes policies and implementation strategies intended to foster, enhance and promote the livability and economic vitality of the Auburn Downtown Business District; and

WHEREAS, Auburn Downtown Plan Policy 6-2 'Traffic Impact Fees' states that if the City adopts a traffic impact fee system, consideration should be given to waiving the fee within the downtown with the intent that the waiver sunset after a five year period unless the Council elects to extend it; and

WHEREAS, City of Auburn Resolution No. 4103 was passed by the City Council on October 2, 2006, implemented a new fee structure for the traffic impact fee system for the City; and

WHEREAS, on December 18, 2006, the City Council approved its Ordinance No. 6068, extending the sunset date for the exemption for the Downtown Plan Area an additional six month period to June 30, 2007; and

WHEREAS, on May 7, 2007, the City Council approved its Ordinance No. 6089, establishing Subsection (A)(9) of Section 19.04.070 of the Auburn City Code (ACC), creating a "Downtown Catalyst Area" as defined in Section 19.04.020 (FF) ACC with the provision that this exemption would sunset on June 30, 2008, unless otherwise extended by the City Council; and

WHEREAS, on May 19, 2008, the City Council approved its Ordinance No. 6178, extending the sunset date for the "Downtown Catalyst Area" for an additional two year period, to June 30, 2010; and

WHEREAS, RCW 82.02.060 (2) states that local ordinances by which impact fees are imposed may provide an exemption for development activities with broad public purposes provided that the impact fees from such development activity are paid from public funds other than impact fee accounts; and

WHEREAS, the City Council finds that there is value in continuing the traffic impact fee waiver for a portion of the Auburn Downtown Plan area; and

WHEREAS, the City Council finds that promoting economic development in the 'Downtown Catalyst Area' is beneficial to the City and serves a broad public purpose.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN,
WASHINGTON, DO ORDAIN as follows:

Section 1. Amendment to City Code. That Section 19.04.070 of the
Auburn City Code, entitled 'Exemptions,' regarding City of Auburn Transportation
Impact Fees, is hereby amended to read as follows:

19.04.070 Exemptions.

A. The following shall be exempted from the payment of transportation
impact fees:

1. Replacement of a structure with a new structure of the same PM peak
hour trip generation and use at the same site or lot when such replacement occurs
within 12 months of the demolition or destruction of the prior structure.

2. Alterations, expansion, enlargement, remodeling, rehabilitation or
conversion of an existing dwelling unit where no additional dwelling units are created
and the use is not changed.

3. Alterations of an existing nonresidential structure that does not expand the
useable space.

4. Miscellaneous improvements, including but not limited to fences, walls,
swimming pools, and signs.

5. A change in use where the increase in PM peak hour trip generation is
less than the threshold stated in ACC 19.04.040(B).

6. Demolition, or moving of a structure out of the city.

7. Any building permit application that has been submitted to the department
before 5:00 p.m. the business day before the first effective date of the transportation
impact fee rate schedule and subsequently determined to be a complete application by
the city.

8. All development activity within the "downtown plan area" as defined in
ACC 19.04.020(I); provided, that this exemption shall sunset on June 30, 2007, unless
otherwise extended by the city council.

9. All development activity within the "downtown catalyst area" as defined in
ACC 19.04.020(FF); provided, that this exemption shall sunset on June 30, ~~2010~~2012,
unless otherwise extended by the city council.

10. Fifty percent of all development activity within the "downtown catalyst
accessory area" as defined in ACC 19.04.020(GG), to the effect that the exemption
provided hereby shall be for 50 percent of the applicable transportation impact fees;
provided, that this exemption shall sunset on December 31, 2008, unless otherwise
extended by the city council.

11. All development activity within the "emergency public interest area" as
defined in ACC 19.04.020(HH); provided, that this exemption shall sunset on December
31, 2008, unless otherwise extended by the city council.

B. The director shall be authorized to determine whether a particular
development activity falls within an exemption identified in this section. Determinations

of the director shall be subject to the appeals procedures set forth in ACC 19.04.080. (Ord. 6199 § 2, 2008; Ord. 6197 § 2, 2008; Ord. 6178 § 1, 2008; Ord. 6089 § 2, 2007; Ord. 6068 § 1, 2006; Ord. 5763 § 1, 2003; Ord. 5604 § 1, 2001; Ord. 5506 § 1, 2001.)

Section 2. Implementation. The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation.

Section 3. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 4. Effective Date This Ordinance shall take effect and be in force five days from and after its passage, approval and publication as provided by law.

INTRODUCED: _____

PASSED: _____

APPROVED: _____

CITY OF AUBURN

ATTEST:

PETER B. LEWIS
MAYOR

Danielle E. Daskam, City Clerk

APPROVED AS TO FORM:



Daniel B. Heid, City Attorney

Published: _____